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PERSONNEL
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SEPARATIONS

EMPLOYMENT REVIEW BOARD

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~~STATUTORY AUTHORITY GENERAL~~

1. The Director of Central Intelligence is empowered to terminate the employment of any officer or employee of the Agency whenever he deems such action necessary or advisable in the interests of the United States. Termination action under this authority, quoted below, is within the sole discretion of the Director of Central Intelligence, and no appeals procedure is provided for by law.

"Notwithstanding the provisions of Section 6 of the Act of August 24, 1912, (37 Stat. 555), or the provisions of any other law, the Director of Central Intelligence may, in his discretion, terminate the employment of any officer or employee of the Agency whenever he shall deem such termination necessary or advisable in

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the interests of the United States, but such termination shall not affect the right of such officer or employee to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the United States Civil Service Commission."

2. ~~GENERAL~~

[This Regulation states the statutory authority and normal procedures for effecting termination of Agency employees through the exercise of the special authority described in paragraph 1.] The Director may [however, at his discretion exercise his statutory authority without conforming to the procedures outlined herein when in his opinion special circumstances justify such action.]

appoint an Employment Review Board to advise him concerning any particular case.

3. RESPONSIBILITIES

a. [DEPUTY DIRECTOR (ADMINISTRATION)]

Assistant for Personnel
The [Deputy] Director [Administration] shall have the over-all responsibility for the proper administration of the ^{exercise} [provisions] of this [Regulation] *authority.*

[4. EMPLOYMENT REVIEW BOARD

a. MEMBERSHIP

The Director of Central Intelligence may convene an Employment Review Board to advise him on the just and equitable exercise of this authority. The Board shall be composed of not less than three senior Agency officials as voting members. The General Counsel, the

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Director of Security, and the Assistant Director for Personnel, or their representatives, shall serve as Advisors without vote, and the Assistant Director for Personnel, or his representative, shall act as Recording Secretary.

b. APPOINTMENT

The Deputy Director of Central Intelligence shall designate the membership of the Board to sit in each case and the member who shall function as Chairman. In the absence of the Deputy Director of Central Intelligence, the Board will be designated by the Assistant Director for Personnel or the Deputy Assistant Director for Personnel.]

4.5. PROCEDURES

a. INITIATION

The Deputy Director (Intelligence), Deputy Director (Administration), Deputy Director (Plans), Director of Training, [and] Assistant Director for Communications may refer cases of any employee *and the Director of Security (for cases arising within the scope of his authority)* under their jurisdiction directly to the Assistant Director for Personnel with a recommendation for consideration *for termination of* [by the] Employment [Review Board] *under this authority.*

INITIAL REVIEW

c. [b.] The Assistant Director for Personnel will, with the advice of the Director of Security when security factors are involved, review those cases referred to him to determine whether they should be referred to the Employment Review Board or whether other separation procedures or administrative actions would be more appropriate.

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c. REFERRAL BY THE DIRECTOR OF SECURITY

The Director of Security may refer any case arising within the scope of his functions to the Director of Central Intelligence or the Deputy Director of Central Intelligence.

d. ACTION BY THE DIRECTOR OF CENTRAL INTELLIGENCE [OR THE DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE]

b. [Based on ^{shall be made} Recommendations by the referring officials ^{to} the Director of Central Intelligence [or the Deputy Director of Central Intelligence shall make a final determination] as to whether the case should be processed under the provisions of this Regulation and [will] also determine whether the employee shall be permitted to remain in a work status or shall be placed in a leave status or shall be suspended

without pay.

d. [e. ^{appropriate} NOTICE TO SUPERVISORS and to Employer will be made by

The Assistant Director for Personnel [will be advised of the action taken, and if an Employment Review Board is to consider the case the Assistant Director for Personnel will notify the Deputy Director (Plans), the Deputy Director (Intelligence), the Deputy Director (Administration), the Director of Training, or the Assistant Director for Communications, whichever is concerned, of the action initiated.]

f. CHARGES - NOTICE TO EMPLOYEE

If an Employment Review Board is to consider the case, written notice of the action involving the employee will be prepared by the Director of Security or the Assistant Director for Personnel, as ap-

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appropriate, in collaboration with the General Counsel. The notice will be furnished to the employee by the Assistant Director for Personnel. Such notice will contain the following:

- (1) That information is available indicating the possibility of his termination under the provisions of the law quoted in paragraph 2. of this Regulation.
- (2) That his case will be considered by the Board within ten days from the date of notification, or as soon as possible thereafter. If an extension of the time limit is necessary, the employee will forward a request justifying such an extension to the Assistant Director for Personnel.
- (3) That he may submit to the Assistant Director for Personnel a written statement to be considered by the Board or a request to appear in person before the Board, or both. All statements submitted in writing shall be notarized, and all testimony given before the Board shall be under oath or affirmation.

5. [(4) That the employee may submit his resignation for consideration at any time prior to the Director's final action, or, if authorized by the Director, within 48 hours after an unfavorable decision by the Director.
- [(5) Statement of the basis for consideration by the Board of the employee's case in as specific a manner as circumstances permit.

- (6) That inquiries in connection with the notice or his reply should be submitted to the Assistant Director for Personnel.
- (7) The status of the employee with respect to leave, normal duty status, or suspension without pay.]

[g. RECORD OF BOARD PROCEEDING

A verbatim transcript of the Board's proceedings will be made in every case and will include any written material submitted by the employee as well as full transcript of the testimony of any employee or witness appearing before the Board. Such transcripts shall accompany the Board's recommendations to the Director.

6. BOARD RECOMMENDATIONS

The Board will give full consideration to each case, including voluntary written or verbal statements of individuals concerned and such additional evidence as may be deemed necessary and prepare a written recommendation to the Director. The recommendation will be signed by each voting member of the Board, noting concurrence or nonconcurrence in each case. Any member or advisor may append an individually signed comment.

7. FINAL ACTION

a. FINAL DECISION

The complete record of each case considered by the Board will be attached to the Board's recommendations to the Director. The Director's decision in each case shall be final.]

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6. [b.] RESTORATION TO DUTY

If the employee concerned is restored to duty, whether in the position held by him at the initiation of proceedings hereunder, or to another position, *the Director will determine whether* he shall be paid for any period when he was not in receipt of salary during such proceedings *whether* and any leave used shall be restored.

7. [c.] REMOVAL

If the Director's decision in the case is to terminate employment, Standard Form 50, Notification of Personnel Action (or SF-52 as appropriate) will be prepared by the Office of Personnel. This Form will show Nature of Action as "Removal" and the authority as "By order of the Director of Central Intelligence, subparagraph (c), Section 102, National Security Act of 1947."

8. [d.] REPORT TO THE CIVIL SERVICE COMMISSION

if
[When] the termination is accomplished, [as outlined in paragraph c. above,] the Office of Personnel will notify the U. S. Civil Service Commission, by letter, of the action taken. [This report will not be made if the individual's resignation is accepted.] ?

ALLEN W. DULLES
Director of Central Intelligence

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